



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/679,963
Applicants : Gene Mason et al.
Filed : October 6, 2003
TC/A.U. : 3736
Examiner : Matthew J. Kremer

Title : **OPTICAL PROBE
INCLUDING
PREDETERMINED
EMISSION WAVELENGTH
BASED ON PATIENT TYPE**

Docket No. : MASIMO.353A
Cust. No. : 20,995

Confirmation No. : 3580

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(Date)

John M. Grover, Reg. No. 42,610

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION DATED JUNE 2, 2004

Sir:

In response to the Office action of June 2, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Amendments to the Drawings begin on page 6 of this paper. Replacement sheets for the drawings being amended can be found in the Appendix.

Remarks begin on page 7 of this paper.

An **Appendix** including amended drawing figures is attached following page 10 of this paper.